



CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d) on the date indicated.

[Signature]
Name

August 29, 2002
Date

RECEIVED
JUN 17 2003
TECH CENTER 1800/290
COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Gregg B. Morin et al.

Art Unit: 1632

Filing Date: July 11, 2000

Examiner: [unknown]

Serial No: 09/615,039

Docket: 09/615,039

Title: ONCOLYTIC VIRUS THAT REPLICATES
IN CELLS EXPRESSING TELOMERASE
REVERSE TRANSCRIPTASE

GERON IP GROUP

SEP 03 2002

DOCKETED

INTERVIEW SUMMARY
AND
RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir,

This paper provides a Summary of telephone interviews conducted with the Office with regards to the Requirement for Restriction in this application. The Commissioner is respectfully requested to recognize that the telephone election was properly made on May 28, 2002, and is responsive to the Restriction Requirement subsequently sent in writing on May 29, 2002.

Please enter the following remarks.

Interview

On May 26, 2002, Examiner Qian Janice Li left a telephone message inquiring as to why applicant had not responded to the Restriction Requirement mailed on October 3, 2001. A return message was left at Examiner Li's number on the same date.

On May 28, Examiner Li and the undersigned spoke by telephone. It was determined that the Restriction Requirement of October 3, 2001 had been mailed to the wrong address. Examiner Li indicated that a Restriction had been made between the following inventions:

- Group I: Claims 27-38 and 40, drawn to recombinant virus and its production
- Group II: Claim 39, drawn to a method of screening
- Group III: Claims 41-46, drawn to methods of using recombinant virus

As representative of the assignee, the undersigned elected *Group I for prosecution on the merits without traverse*. The undersigned also authorized the Commissioner to charge any fees required for extensions of time or reinstatement of the application to applicant's deposit account.

Examiner Li indicated that she would check with her supervisor regarding whether an extension of time would be required, and undertook to prepare an Office Action on the merits forthwith.

The undersigned then spoke to Examiner Deborah Reynolds. Examiner Reynolds indicated that the time for responding to the Restriction Requirement would be restarted, and that the election made by telephone would be entered and forwarded with the case to a new examiner for preparation of the first Office Action.

On May 29, 2002, the Office mailed a written Restriction Requirement. The undersigned did not consider that a written response was considered necessary, since the election had already been properly made by telephone, and would be entered in due course. However, as of August 29, 2002, the Patent Application Information Retrieval (PAIR) system still indicates that the election has still not been entered.

Applicant respectfully requests that the telephone election of May 28, 2002 be entered into the application file as of that date. In the alternative, applicant requests that this paper be considered responsive to the pending Restriction Requirement.

Request for expedited prosecution

The examination of this application on the merits has already been delayed by *10 months*, due to the mailing of the Restriction Requirement of October 3, 2001 to the wrong address, and the failure of the Office to enter the telephone election made on May 28, 2002.

These errors by the Office have prejudiced applicant's patent protection for this important invention, which has current commercial interest, and is subject to an important license agreement with revenue implications.

As a remedy, applicant respectfully requests that an Office Action on the merits be prepared forthwith, and that the subsequent prosecution of this application proceed with dispatch.

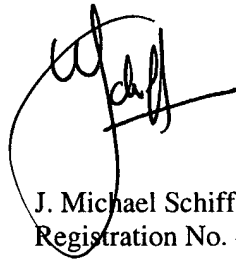
Conclusion

Applicant requests that the application proceed to examination on the merits, in view of the amendment and remarks made herein. In the event the Examiner determines that an interview would facilitate prosecution of this application, he or she is invited to contact applicant's representative at the telephone number indicated below.

Applicant respectfully submits that no extension of time is required for entering this paper or responding to the Restriction Requirement, since a proper election was previously made by telephone on May 28, 2002.

However, should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Assistant Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



J. Michael Schiff
Registration No. 40,253

GERON CORPORATION
230 Constitution Drive
Menlo Park, CA 94025
Telephone: (650) 473-7715
Fax: (650) 473-8654

August 29, 2002

geron

Telephone Record

GERON IP GROUP
MAY 30 2002

DOCKETED

☐ David J. Earp

☒ Michael Schiff

☐ Karen Makausky

☐ Martha Griffin

With: Examin Li (Quinn "Janie")

Serial No. 09/615039

Phone: _____

Docket: 019/251C

Date: May 28/02

COPY

7033054051-7942

Msg. Restr. Req. No response rec'd.

May 26/02

Return Msg

May 26/02

Group I: 27-38, 40

virus spreading

up 39

screening

III 48-46

using

set out Oct 2001

to wrong address

→ Checked Group I without traverse. by phone.

Examin will check with supervisor re-tatation required

Will now write office action.

Sup. Debar News 703.305.4051.

will retest dock

will send to new examiner with telephone restr. req.

CONFIDENTIAL